

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



|                 |                                                                                                                                                                                      |                      |                   |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------|
| Application of: | Whitcomb                                                                                                                                                                             | Confirmation No.:    | 4994              |
| Serial No.:     | 10/758,683                                                                                                                                                                           | Art Unit:            | 1648              |
| Filed:          | January 14, 2004                                                                                                                                                                     | Examiner:            | Parkin, Jeffrey S |
| For:            | Means and Methods for Monitoring<br>Non-nucleoside Reverse<br>Transcriptase Inhibitor<br>Antiretroviral Therapy and Guiding<br>Therapeutic Decisions in the<br>Treatment of HIV/AIDS | Attorney Docket No.: | 11068-0078-999    |

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper responds to the Restriction Requirement mailed October 4, 2006 in connection with the above identified patent application.

Filed herewith is a Petition for Extension of Time under 37 CFR 1.136, extending the time for response to the Restriction Requirement dated October 4, 2006 for a period of one (1) month from November 4, 2006 to and including December 4, 2006 .

In response to the requirement for restriction, Applicants hereby elect, without traverse, to pursue the claims of Group III, drawn to a method for assessing the effectiveness of NNRTI therapy by evaluating plasma samples for mutations at codon 190 in the HIV RT.

Applicants believe no fee is due in connection with this response beyond the fee associated with the Petition for an Extension of Time. However, should the Commissioner determine otherwise, the Commissioner is hereby authorized to charge any required fee(s) to Jones Day Deposit Account No. 50-3013 (order no. 949677-999076). A copy of this sheet is enclosed for such purpose.

In light of the above remarks, the Applicant respectfully requests that the Examiner consider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date: December 4, 2006

  
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